

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALLSTATE INSURANCE COMPANY,	)	<b>Electronically Filed</b>
	)	
Plaintiff,	)	2:06cv805
	)	
v.	)	Judge David Stewart Cercone
	)	Magistrate Judge Lisa Pupo Lenihan
ALLEN D. MCCLYMONDS, et al.,	)	
	)	Doc. Nos. 11 & 13
Defendants.	)	
	)	

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on June 16, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 23), filed on July 13, 2007, recommended that the Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 11) be granted, and that Defendants' Motion for Judgment on the Pleadings (Doc. No. 13) be denied. Service was made on all counsel of record. The parties were informed that in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. No objections have been filed.

After review of the pleadings, briefs, and other documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 3<sup>rd</sup> day of August, 2007,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 11) is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendants' Motion for Judgment on the Pleadings (Doc. No. 13) is **DENIED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 23) of Magistrate Judge Lenihan, dated July 13, 2007, is adopted as the opinion of the Court.



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David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

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